

REMARKS

Claims 1-46 were pending in the instant application. In the Office Action mailed July 11, 2007, claims 1-46 are subject to a restriction requirement.

The specification has been amended to correct typographical and editorial errors.

Claims 1-4, 11-36, and 41 are canceled without prejudice, as drawn to nonelected inventions (see below). Applicants reserve the right to prosecute the subject matter of the canceled claims in related application(s). Claims 5-10, 37, 40, 42, and 43 are amended for consistency of language and to remove editorial errors. New claims 47-54 are added. Upon entry of the instant amendments, claims 5-10, 37-40, and 42-54 will be pending.

Specifically, claim 5 has been amended to be in independent form and to include the recitation of the positionally-address biopolymer array of original claim 1. Support for the amendment is found, for example, at page 4, lines 17-29; and page 6, lines 1-9 of the specification.

Claim 6 has been amended to be in independent form, to include the recitation of the positionally-address biopolymer array of original claims 3 and 4, thus providing antecedent basis for "said monomers" in step (b). Support for the amendment is found, for example, at page 4, line 17 through page 5, line 3; page 6, lines 10-20; page 10; and line 32 through page 11, line 2 of the specification.

Claim 37 has been amended to remove its dependency on canceled claim 31.

Claim 40 has been amended to be in independent form and to include the recitation of the positionally-address biopolymer array of original claim 1. Support for the amendment is found, for example, at page 4, lines 17-29; and page 6, lines 21-33 of the specification.

New claim 47 is added to incorporate the recitation of original claim 2 into original claim 5. Support is found, for example, at page 6, lines 1-9; and page 4, lines 30-31 of the specification.

New claim 48 mirrors original claim 42 and depends upon new claim 47. Support is found, for example, at page 7, lines 7-8 of the specification.

New claim 49 mirrors original claim 43 and depends upon new claim 47. Support is found, for example, at page 7, lines 9-11 of the specification.

New claim 50 mirrors original claim 44 and depends upon new claim 47. Support is found, for example, at page 4, line 13 of the specification.

New claim 51 mirrors original claim 45 and depends upon new claim 47. Support is found, for example, at page 6, lines 24-28 of the specification.

New claim 52 mirrors original claim 46 and depends upon new claim 47. Support is found, for example, at page 6, lines 27-28 of the specification.

New claim 53 is added to depend upon new claim 47 and to incorporate the recitation of original claim 7. Support is found, for example, at page 7, lines 1-6 of the specification.

New claim 54 incorporates the recitation of original claim 2 into original claim 40. Support is found, for example, at page 6, lines 21-33; and page 4, lines 30-31 of the specification.

No new matter has been added by these amendments. Entry of the foregoing amendments and consideration of the following remarks are respectfully requested.

In the Office Action mailed July 11, 2007, the Examiner has required a restriction to one of the following six groups:

- I. Claims 1-4, 11-23, 27, and 28, drawn to a positionally addressable array comprising control probes;
- II. Claims 5-10, 37-39 (in-part), 40, and 42-46, drawn to a method of detecting synthesis defect of the positionally addressable array of Group I;
- III. Claims 24-26, drawn to a method of making the positionally addressable array of Group I;
- IV. Claim 29, drawn to an oligonucleotide of SEQ ID NO: 1 or 2, or its complement;
- V. Claims 30 and 33-36, drawn to a positionally addressable array comprising labeled control probes; and
- VI. Claims 31, 32, 37-39 (in-part), and 41, drawn to a method of detecting synthesis defect of the positionally addressable array of Group V.

In response, Applicants hereby provisionally elect with traverse Group II which contains claims 5-10, 37-39, 40, and 42-46, drawn to a method of detecting synthesis defect of the positionally addressable array of Group I. Applicants believe that new claims 47-54 are also within Group II.

Additionally, the Examiner has requested an election of a species of (A) a

quality control probe, from between (i) probes comprising the same predetermined binding sequences and (ii) probes comprising different predetermined binding sequences; and of (B) a biopolymer probe, from between (i) nucleic acids and (ii) proteins.

In response, Applicants hereby provisionally elect with traverse in (A) quality control probes the species of (ii) probes comprising different predetermined binding sequence; and in (B) Biopolymers the species of (i) nucleic acids.

Applicants believe that the claims readable upon the elected species are claims 5-10, 37-40, and 42-54. Currently, claims 5-10, 37-40, and 42-54 are believed to be generic.

Regarding the Examiner's comments regarding Baier (United States Patent No. 6,245,518), Applicants do not agree that this patent anticipates or makes obvious the claimed invention.


CONCLUSION

Entry and consideration of the above amendments and remarks are respectfully requested.

Applicants hereby retain the right to petition from the restriction requirement under 37 C.F.R. § 1.144.

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Respectfully submitted,

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